

OFFICE OF THE ATTORNEY GENERAL



94-00061

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ATTORNEY GENERAL
STATE OF ALABAMA

NOV 24 1993

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Honorable Charles I. Grover
Mayor, City of Trussville
P. O. Box 159
Trussville, AL 35173

Municipalities - Fire
Departments - Volunteers -
Funds

1. The Attorney General is not authorized to make general recommendations regarding the adoption and implementation of a contract. The City of Trussville may contract with the volunteer fire department of that city whereby the volunteer fire department will provide fire protection, firefighting, and rescue services to the citizens in exchange for funds appropriated by the city.

2. Funds of a volunteer fire department sanctioned by a city become municipal funds, and are audited as other municipal funds. Thus, such funds would be subject to the annual audit of the City of Trussville, and the audit is the responsibility of the city.

Dear Mr. Grover:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION 1

What are the recommendations of the Attorney General regarding the adoption and implementation of the proposed contract between the City of Trussville and the Volunteer Fire Department of the City of Trussville?

FACTS, LAW AND ANALYSIS

The following facts are set out in your request letter:

The Trussville Volunteer Fire Department has been in existence since 1940. It consists of 40 members, all of whom are volunteers, including certain medically trained personnel in the Emergency Medical Service of the Fire Department.

All equipment needed by the Volunteer Fire Department is furnished by the City. Currently, they have 4 fire trucks, one of which is approximately 2 years old, one ambulance and one rescue truck.

The resolution of request states:

"WHEREAS, the City of Trussville wishes to enter into a contract with the City of Trussville Volunteer Fire Department and pay this department for services rendered to the City as set out in the attached proposed draft; and

"WHEREAS, the City of Trussville will continue to provide a fire station, building utilities and the fire fighting equipment for this department, as well as pay training costs and the costs of medical and office supplies, and provide liability and workman's compensation insurance."

Initially, it must be stated that this office is only authorized to answer questions of law, and not questions of fact. The Attorney General cannot make general recommendations regarding the adoption and implementation of a contract by a city as this involves factual determinations. This office will only answer specific questions of law that may arise out of the contract.

It was concluded in an opinion of the Attorney General to you dated June 10, 1988, A.G. No. 88-00225, that while a city may appropriate funds to its volunteer fire department under Code of Alabama 1975, § 9-3-18, the city should, with some caution, contract with the volunteer fire department to avoid any constitutional problems under Section 94 of the Constitution of Alabama, 1901, as amended. Thus, a city may contract with a volunteer fire department to provide fire protection and firefighting services and, in this case, rescue services to its citizens in exchange for funds appropriated.

CONCLUSION

The Attorney General is not authorized to make general recommendations regarding the adoption and implementation of a contract. The City of Trussville may contract with the volunteer fire department of that city whereby the volunteer fire department will provide fire protection, firefighting, and rescue services to the citizens in exchange for funds appropriated by the city.

QUESTION 2

The City requests clarification as to the audit requirements on the funds remitted to the Fire Department under this contract, specifically (1) if these funds are subject to the annual audit of the City of Trussville, (2) are funds from all Fire Department revenue sources subject to the City's annual audit, or (3) would the performance of such an audit be at the sole discretion and responsibility of the Fire Department.

FACTS, LAW AND ANALYSIS

This office has concluded that if a volunteer fire department is sanctioned by the municipality, funds collected by that agency become municipal funds, and should be brought

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under the control of the mayor and town council. These funds are to be audited with other municipal funds. Opinion of the Attorney General to Honorable Mike Mattox, Mayor, Town of Collinsville, dated February 11, 1988, A.G. No. 88-00169.

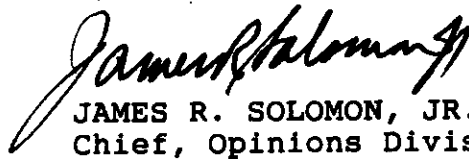
CONCLUSION

Funds of a volunteer fire department sanctioned by a city become municipal funds, and are audited as other municipal funds. Thus, such funds would be subject to the annual audit of the City of Trussville, and the audit is the responsibility of the city.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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